

Applicant : Daniel H. Abelow
Serial No. : 09/370,663
Filed : August 6, 1999
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Attorney's Docket No.: 03058-004005

4. Applicant has not complied with one or more conditions for receiving the benefit of the earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application in the first sentence of the specification (37 CFR 178). In this case:

"This is a continuation of United States patent Application No. 08/934,457, filed 09/19/1997, now Patent Number 5,999,908 which is a continuation of 08/243,638, filed 5/16/1994, now abandoned, which is a CIP of 07/926,333, filed 8/6/1992 now abandoned."

The specification has been amended.

8. Claim 52 is objected to under 37 CFR 17c, as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 48, line 4 states "a user interface which is part of each of the two-way units..." while claim 52, line 1, states "the user interface comprises a functional user interface which is separate from the unit of the commodity." The user interface cannot be both part of the unit and not part of the unit.

Claim 52 has been cancelled.

9. Claims 48-63 are rejected under the judicially created doctrine of obviousness-type double as being unpatentable over claims 1-47 of U.S. Patent No. 5,999,908. Although the conflicting claims are not identical, they are not patentably distinct from each other because both the patent and the present application claim a user interface as part of a commodity that provides a medium for two-way interaction and a software that manage the interactions.

Applicant disagrees. The claims of this application are patentably distinct from the claims of the issued patent. Without conceding that point, for convenience in advancing the issuance of this patent, applicant is submitting a terminal disclaimer.

10. Claim 59 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the telephone keypad of line 4 is part of the television of claim 57 from which it depends.

Claim 59 does not require that the telephone keypad be part of the television equipment.

11. Claim 59 is rejected under 35 USC 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP section 2172.01. The omitted structural cooperative relationships are: the relationship between the user interface which is part of each of the units of the commodity, in this claim a television and a telephone keypad, which is obviously part of a telephone and not a part of a television.

Claim 59 is deliberately not limited to any particular such structural relationship.

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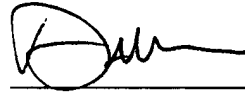
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Applicant asks that all claims be allowed. Please apply any additional charges
or credits to deposit account no. 06-1050, reference 03058-004005.

Respectfully submitted,

Date: _____

10/6/00



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